

BOARD OF APPEALS CASE NO. 4986

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BEFORE THE

APPLICANT: Gerard Mafale

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ZONING HEARING EXAMINER

REQUEST: Variance to permit cottage  
housing in the B3 District;  
3237 Conowingo Road, Street

\*

OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 11/24/99 & 12/1/99

HEARING DATE: January 5, 2000

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Record: 11/26/99 & 12/3/99

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### ZONING HEARING EXAMINER'S DECISION

The Applicant, Gerard Mafale, appeared before the Hearing Examiner requesting a variance to Section 267-27(B)(8)(b) of the Harford County Code, to permit cottage housing in a B3 District.

The subject parcel is located at 3237 Conowingo Road in the Fourth Election District. The parcel is identified as Parcel No. 64, in Grid 2-B, on Tax Map 27. The parcel contains 3.3 acres, more or less, all of which is zoned B3.

Mr. Gerard Mafale appeared and testified that the subject parcel has been used for residential purposes for at least 20 years and that he is requesting a variance to allow the location of a double-wide mobile home on the property to be occupied by his father and mother, who both have health conditions which require care and attention. The Applicant said that prior to purchasing the double-wide mobile home, he contacted the Department of Planning and Zoning and was advised that his parents met the criteria due to their age and health for cottage housing. However, the Applicant said that when he applied for the permit, he was advised that the subject parcel is zoned B3 and that he could not locate the double-wide mobile home on the parcel for cottage housing without obtaining a variance. The Applicant said that since the mobile home has already been delivered, he did obtain a permit to store the double-wide on the parcel until a determination is made with respect to this case.

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The Applicant said that the parcel is unique because it is zoned B3 but has as always been used for residential purposes and that he did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code due to existing screening. The Applicant said that denial of the variance would cause practical difficulty due to his parents' medical condition if he is unable to keep the double-wide mobile home on the parcel.

Mr. Anthony McClune, Manager, Division of Land Use Management, for the Department of Planning and Zoning, appeared and testified that the subject parcel is outside the development envelope and that the parcel is commercially zoned but is currently used for residential purposes. Mr. McClune said that the proposed cottage housing is less intense than the commercial uses on surrounding properties and, further, that he did not feel that approval of the request would be substantially detrimental to adjacent properties or materially impair the purpose of the Code. Mr. McClune said that the Staff recommended conditional approval of the Applicant's request.

### **CONCLUSION:**

The Applicant is requesting a variance to Section 267-27(B)(8)(b) of the Harford County Code to permit a cottage house in the B3 District.

The uncontradicted testimony of the Applicant was that the subject parcel is unique in that the entire parcel is zoned commercial but that the parcel has been used residentially for at least the past 20 years. The Applicant said he did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because of existing screening and, further, that denial of the variance would cause practical difficulty because both of his parents qualify for cottage housing due to their age and medical conditions which require care and attention.


Mr. Anthony McClune of the Department of Planning testified that the Staff found the parcel to be unique because the parcel is outside of the development envelope but is zoned for commercial uses which do not exist on the parcel and, further, that the proposed cottage house is less intense than commercial uses on surrounding parcels.

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It is the recommendation of the Hearing Examiner that the requested variance to allow a double-wide mobile home to be used as cottage housing in the B3 District be approved, subject to the following conditions:

1. That the Applicant shall obtain all necessary permits, inspections and approvals for the cottage house.
2. That the Applicant must meet all other requirements of the cottage housing provision of the Code.
3. That once the need no longer exists, the double-wide mobile home must be removed from the parcel.

Date FEBRUARY 7, 2000

  
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L. A. Hinderhofer  
Zoning Hearing Examiner